

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CASAS, BENJAMIN & WHITE, LLC,)	
)	
Plaintiff,)	
)	
vs.)	No. 04-12333-MEL
)	
THE POINTE GROUP, INC., a)	
Massachusetts corporation d/b/a The Pointe)	
Group Healthcare and Senior Living;)	
GERALD S. FREID; BARRY FREID; and)	
KEY CORPORATE CAPITAL, INC.,)	
)	
Defendants.		

**MOTION FOR LEAVE TO FILE REPLY MEMORANDUM IN SUPPORT OF MOTION
FOR PRELIMINARY INJUNCTION AND FOR ATTACHMENT OF REAL ESTATE**

Plaintiff Casas, Benjamin & White, LLC (“CBW”) hereby moves for leave to file a seven-page reply brief in support of its motion for preliminary injunction and for attachment of real estate. In support of this motion, CBW states as follows.

1. CBW filed its motion for preliminary injunction and for attachment of real estate on December 21, 2004.
2. Defendants The Pointe Group, Inc., Gerald Freid, and Barry Freid filed an opposition to the motion on January 4, 2005, along with an affidavit from their counsel, Stephen F. Gordon.
3. CBW moves for leave to file a short reply brief to rebut Defendants’ contention that the documents attached to Mr. Gordon’s affidavit moot CBW’s request for an accounting, and Defendants’ argument that the Supreme Judicial Court case of Turnpike Motors, Inc. v. Newbury Group, Inc., 403 Mass. 291, 528 N.E.2d 1176 (1988) is applicable to CBW’s breach of contract claim.

4. Because the hearing on CBW's motion is scheduled for this Wednesday, January 12, 2004, CBW is filing its proposed reply brief contemporaneously with this motion.

WHEREFORE, Plaintiff Casas, Benjamin & White, LLC respectfully requests that this Court grant it leave to file a seven-page reply brief in support of its motion for preliminary injunction and for attachment of real estate.

CASAS, BENJAMIN & WHITE, LLC

By its attorneys,

/s/ Erin K. Higgins
Thomas E. Peisch / BBO #393260
Erin K. Higgins / BBO #559510
Michael R. Bernardo / BBO #648310
CONN KAVANAUGH ROSENTHAL PEISCH
& FORD, LLP
Ten Post Office Square
Boston, MA 02109
(617) 482-8200

/s/ Richard P. Steinken (mrb)
Richard P. Steinken, admitted *pro hac vice*
Jeff J. Marwil, admitted *pro hac vice*
David W. Austin, admitted *pro hac vice*
JENNER & BLOCK, LLP
One IBM Plaza
Chicago, IL 60611-7603

LOCAL RULE 7.1 CERTIFICATION

The undersigned counsel hereby certifies that on January 10, 2005, plaintiff's counsel conferred by telephone with defendants' counsel, Todd B. Gordon, and attempted in good faith to resolve or narrow the issues raised in this motion.

/s/ Erin K. Higgins
Erin K. Higgins

Dated: January 10, 2005
Boston, Massachusetts
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